

Summary

Evaluation of the administrative approach to organised crime in the city of Genk¹

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This study was conducted to evaluate the initiatives taken during a two-year project in Genk named: 'Administrative Approaches to Organised Crime; supporting European local authorities in combating local outcomes of organised crime' (hereafter: 'the project').² The initiative to introduce methods of an administrative approach in the city of Genk was partly due to encouragement from a Regional Information and Expertise Centre (RIEC) in the province of Limburg in the Netherlands. The research questions in this study were threefold:

1. Which lessons can be learned from the experiences of an administrative approach to organised crime in the Netherlands?
2. Which successes and drawbacks can be identified from the introduction of an administrative approach of organised crime in the city of Genk?
3. To what degree, and under which circumstances, are the experiences from an administrative approach to organised crime in one national and local context, also applicable in another context?

To answer the first question, a literature review was conducted, including mainly scientific literature about the administrative approach in the Netherlands, and judicial and policy documents.

With the lessons learned in the Netherlands, and the aims that were formulated at the start of the project of Genk as a starting point, we then answered the second research question based on empirical research. This empirical research consisted of interviews with 22 persons involved in the administrative approach in Genk. All 22 persons were interviewed in the beginning of this research (October-December 2013) and after an interim report in September 2014, 13 of these respondents were again interviewed a year later (October-December 2014). Only those who had gained the most experience and had most input in the methods introduced in Genk were interviewed a second time. Three interviews were also conducted in Antwerp with persons involved with administrative enforcement at the local police and city administration. Furthermore, the meetings in Genk that were part of the project were observed during the research period. These included operational meetings, steering-committee meetings, and meetings in which 'best practices' between Belgian municipalities were exchanged.

As the new methods were only introduced two years ago, we mainly tried to identify the progress made so far and to point out at an early stage which points of improvement were in need of the most attention. The focus of this study was not on the effect the methods in Genk had on organised crime,

¹ This is a summary of the following report: Kersten, L. & Roevens, E. (2015). 'Een evaluatie van de invoering van de bestuurlijke aanpak van georganiseerde criminaliteit in stad Genk'.

² Co-funded by the 'Prevention of and Fight against Crime Program' of the European Union (an 'ISEC' project). As a partner in the ISEC project, the researchers from KU Leuven were responsible for the evaluation. This research was conducted between September 2013 and December 2014, although the duration of the project in Genk was longer than that.

which was beyond the scope of this research. Instead, the processes and methods introduced in Genk to develop an administrative approach on organised crime were the central subjects of this research. As the new methods in Genk are still being developed and fine-tuned, our conclusions give a random indication in order to support the further development of the administrative approach in Genk (and elsewhere).

During the research period, the city of Antwerp turned out to have already built up experience with enforcing administrative laws. Therefore, the experiences in Antwerp are also (to a limited degree) included in the empirical research, as this city operates within the same judicial framework as the city of Genk. This way we were able to compare the experiences in Genk not only to the experiences in another national context (the Netherlands), but also to another local context in Belgium. By answering the third research question, we hope that our findings not only provide some points of interest for Genk, but also for other Belgian cities and municipalities that (would like to) work with an administrative approach.

1.1 Experiences in the Netherlands

During a period of more than 20 years, an administrative approach to organised crime has developed in the Netherlands, with the development of the necessary infrastructure and judicial framework. An important motive for the first initiatives was the observations of the presence of organised crime in Amsterdam during the 1990s. This meant a wake-up call for politicians, who were stimulated to provide the local administration with more tools to react to these local problems.

Information from local administrations turned out to be the most important element in an administrative approach of organised crime. In the current Dutch system, a local government in the Netherlands can ask a person applying for a grant or permit for information, and has access to open sources, their own registration systems ('half-open-sources'), and since 2013 to a limited degree to certain 'closed' information (e.g. of police and justice departments). The special 'BIBOB-law' introduced in 2003 is only a small part of the current, increasingly finely-woven system to increase the information position of Dutch local administrations. The BIBOB-law offers a legal foundation to deny an application for a grant or permit in specific economic sectors, based on the estimation that granting the application would create a serious risk that the grant/permit would be used for criminal activities. The BIBOB-law offers a municipality the option to apply for an investigation by the BIBOB-agency, to complement the information that is already accessible to local administrations from older instruments. This law provides a far-reaching-instrument, and advice from the BIBOB-agency can only be sought when a decision cannot be based on other grounds or cannot be refused by the use of less privacy-invading instruments.

As a result of an application by a local administration to the BIBOB agency, the agency provides an opinion about the degree of danger that a submitted grant or permit would be abused for the purpose of criminal activities. The agency has access to a wider variety of sources than local administrations, including some 'closed' sources, in making their assessment. Based on articles 12 and 13 of the BIBOB-law, the agency is allowed to ask for information from police and justice departments, on a national and international level. The agency is also authorised in some cases to expand its inquiry to sources that involve persons with a professional relationship (currently or in the past) with the applicant or his or her company, whereas for the local administration the investigation is limited to information from the applicant only. In practice, the local administrations follow the recommendations of the BIBOB-agency most of the time, although they are obliged to check if the

advice was prepared correctly. It is difficult to meet this obligation, as they do not have access to the same sources of information, and the interpretation of the information by the BIBOB-agency can entail subjective elements. This leads to an impossible task for the applicant and the local administration to examine if the information in the BIBOB-advice meets the requirements of the BIBOB law when refusing or withdrawing an application. A change of law in 2013 aimed to offer a (partial) solution to this problem by increasing the access to information of municipalities and by permitting the mayor to share information in a BIBOB-recommendation with the public prosecutor and police chief. With this rule, the mayor can better examine the information in the advice. Nevertheless, de Moor-van Vugt (2012: 72-75) rightfully points out how far-reaching the BIBOB-instrument is, balancing on the line between preventive and repressive measures. On the one hand, decisions of local administrations are intended to prevent the facilitation of organised crime. On the other hand, the investigation by the BIBOB-agency, the bringing together of information, the analysis, the authority to inform other departments, and the consequences of a negative assessment can be very onerous for the applicant. The decision can restrain the applicant in his activities. This gives the method a very repressive character, and makes one wonder if a clear distinction between 'prevention' and 'repression' in an administrative approach to organised crime can actually be made. At the least, the emphasis on the preventive nature of this method should not lead to (consciously or unconsciously) sidestepping the safeguards and legal protection that are put in place in criminal procedures.

Alongside these options for gathering sufficient information on which to base decisions by local administrations, the development of cooperation between different organisations in the Netherlands is at least as important. This cooperation was (and still is) not (directly) so evident (see for example Van Gestel & Verhoeven, 2014), and has not developed equally in different regions. By a model-document to set up agreements, local administrations have a general footing to start a cooperation with other governmental organisations (such as the police, public prosecutor and the tax department), and to exchange information with these partners in a lawful manner, rather than obliging each local administration to explore the judicial possibilities for such information exchange individually.

The RIEC-network, furthermore, supports the Dutch infrastructure for an administrative approach by their expertise, which they use to raise awareness among local administrations about the presence of organised crime, increase the knowledge and skills of local administrations for using the administrative approach, support local administrations and provinces in introducing the approach in their policy, increase the access of the local administrations to information and create more and better cooperation between different organisations. The RIEC can also support local administrations in the assessment of the BIBOB-recommendations, and for this purpose has had the authority since 2013 to examine the advice and information in the BIBOB-documents of the application.

Based on the literature, the expected and identified effects of an administrative approach of organised crime in the Netherlands are also described in this report. The point of departure for the administrative approach is that criminals can develop their activities in legal economic sectors. The government would like to avoid facilitating criminal activities, by discouraging the use of permits and grants for criminal activities. By introducing the BIBOB-law it was expected that the resilience of the local administration against corruption would increase, which could prevent such a facilitation of

crime. It was also expected that bureaucracy would increase, and that organised crime activities might be displaced.

The preliminary findings after the evaluation of the Dutch developments show that local administrations are increasingly conscious about the risks of organised crime in their region, that the cooperation between different organisations has improved and has become more frequent, that the working processes within a municipality have likewise improved, that the local administrations have developed a clear attitude against organised crime and that the approach has received more attention on political agendas. As expected, it also led to increased administrative work for the applicant and the municipality. At the same time, there have been indications that criminal activities indeed had moved to other geographical places, that criminal activities have been moved to other (less regulated) economic sectors, and that activities themselves have been adapted.

The effect of an administrative approach on organised crime is less evident. The effectivity of the practical experience in the Netherlands is unmeasurable because of the lack of clarity about causal relations between policy and organised crime, and the invisible character of organised crime phenomena. Research points to some indirect effects, as some neighbourhoods are said to have become more 'liveable' and experienced a deterrence effect from the introduced policy (Huisman et al., 2005: 83-85; Huisman & Nelen, 2007: 100). Furthermore, entrepreneurs have become more involved in the neighbourhoods and the amount of unoccupied buildings has decreased. According to Fijnaut (2010: 55), there are indications that the efforts made in Amsterdam have led to the closing down of illegal casinos, the refusal of permits for suspicious entrepreneurs and deterrence of entrepreneurs who do not like the prospect of being screened after applying for a permit.

Whether the approach is effective is to a large degree dependent on the aims of the approach. Whereas the identified changes might confirm that a city has become less attractive for criminal activities, these can be replaced to other geographic locations, or criminals might change their activities, as was observed in some cases.

Based on the Dutch experiences, the conditions for an effective administrative approach can be summarized by four concepts: conscious-raising, cooperation, informative-exchange, and securing or standardising work processes (described in paragraph 2.5 of this report). In the first place, a local administration needs to be aware that organised crime is a problem, that it occurs within the local territory, and that the administration has a role to play in tackling and preventing it. Secondly, different involved organisations (with both law-enforcement and administrative tasks) should try to reach a stage of structural cooperation. Thirdly, a strong information position is necessary for a local administration to be able to make decisions (e.g. about permits and grants). To be able to possess information, a local administration needs to have access to certain sources and there needs to be a legal ground for the exchange of necessary information with other relevant parties. And last but not least, it is necessary to standardise newly developed work processes in order to establish an administrative approach that is structurally embedded into the administrative processes.

1.2 Progress and points of improvement in the city of Genk

What can be called 'successful' depends on the one hand on the subject of the administrative approach, and on the other hand on the objectives of the introduced methods and the desired effects of the local administration.

First, the subjects of the administrative approach in Genk are described (as described in chapter 3). Second the introduced methods will be described (chapter 4) and last but not least, the introduced

methods will be evaluated based on the objectives that the city of Genk had formulated beforehand and the conditions that were derived from the Dutch experiences in the literature (chapter 5). Whenever relevant, the experiences with a specific topic in the Netherlands and/or Antwerp will be described.

1.2.1 Criminal phenomena and economic sectors: organised crime?

Chapter 3 describes how, in advance of the project in Genk, what is known about organised crime in the city of Genk was not systematically mapped. It turns out no criteria were formulated to decide which themes should be the subject of the administrative approach. The idea in Genk was not to exclude too many subjects in advance, as it was one aim of the newly introduced methods to first create a (better) picture of the organised crime occurring in Genk. The involved participants who were interviewed also do not have a clear image of the exact subject of the administrative approach that they need to tackle, and what was meant by the term 'organised crime'. It seems the initiators have passed over this issue too quickly in the beginning of the project. It is however an important issue, as a shared vision about the problems and the need to tackle or prevent them with the administrative approach are at the base of the common interest that needs to be established among the participants. During the first interview round, the participants had certain worries about several phenomena that they thought could be tackled with an administrative approach. On the one hand, these consist of phenomena that can indeed be associated with organised crime (e.g. drug trafficking and human trafficking). On the other hand, they mentioned a wide variety of themes that are less directly associated to organised crime (such as moonlighting and nuisance). Because these latter themes were also the subject of the administrative approach during the two-year project, the title of the project caused some confusion about the aims of the administrative approach.

If the (organised) crime occurring in Genk was not mapped in advance, then what exactly was the focus of attention of the approach from the start of the project? To determine the priorities, some economic sectors were selected that seemed suitable for the local administration to screen completely, and that might be a breeding ground for criminal activities. Fraudulent entrepreneurs or criminal networks could possibly be working in these economic sectors. The city administration intended to prevent such an embedding of criminals in the legal sector by an administrative approach. Second, along the way, some crime phenomena were selected that were believed to occur in Genk, based on signals identified by several administrative departments, and that were expected to be suitable to work on with an administrative approach. These signals in some cases led to more awareness and subsequently to more awareness-raising among (other) city employees. This was the case for example with the theme of human trafficking and (alleged) slumlords.

Based on this priority setting, during the two-year project the city administration created a picture of the economic sectors that were assumed to be susceptible to organised crime involvement. Attention was mainly given to the night shops. Nuisance around night shops was rather limited, and during the project no evidence was found that this sector could indeed be linked to organised crime. By using the methods of the administrative approach the city mainly increased their control over the sector, with a new regulation that was drawn up during the project being the main enforcement instrument. Based on signals received by the city departments, it was rather the sector of the catering industry that provided some problematic cases suitable for the administrative approach. In some cases there are even suspicions of links with organised crime. Despite the already existing regulations for this sector that provide enforcement possibilities for the city administration, it turned

out the sector was scarcely supervised and rules were hardly enforced. Because of the project the regulation is adjusted and the enforcement will be better organised.

The criminal phenomena that have been a point of interest during the project were also partly in accordance with the main worries the participants had during the first round of interviews. Mainly phenomena that can be associated with human trafficking and labour exploitation have been worked on. The city administration received several signals about these problems, mainly concerning housing and labour of economic immigrants. However, these findings were not (yet) strong enough to meet the judicial criteria of human trafficking or 'slumlords'. The investigated persons were mainly informed, warned and stimulated to work in accordance to the law. The city administration did not register any links with organised crime in these cases. Nevertheless, with the introduced administrative approach they at least try to prevent facilitation of (potential) situations of human trafficking and activities of slumlords.

Apart from these themes, the city administration also developed a better picture and increased the enforcement possibilities concerning prostitution and 1% motorcycle gangs. Other activities that might be related to organised crime that were a reason for worries at the start of the project - such as money laundering, drug trafficking and production – have not been a subject of the administrative approach in Genk so far. Crimes that have been encountered so far in the cases that the city of Genk dealt with within the course of the research period were mainly violations of labour law, economic law and immigration law.

By not clearly defining what is considered as organised crime by the city administration, and what exactly needs to be tackled with the administrative approach, increases the risk of net-widening. In other words, the current approach in Genk at this stage can focus on a large amount of activities that might be considered problematic, because of a lack of a clear definition (see also Huisman et al., 2005: 28). Its focus is not only on organised crime, and not even only crime in general. The subject of the approach is now free for interpretation and this lack of focus leads to vagueness about the objectives of the project among the participants.

The risk of net-widening was also identified in the evaluation of the 'Van-Traa' project in the Netherlands (Huisman et al., 2005: 28). The authors of the evaluative report warn for an overreaction of the local administration, that rather widens the scope of the current safety policy, than tackling a specific problem, whereas this latter aim was the starting point for the initiatives in Genk. By putting emphasis on prevention, the local government intends to bring a halt to a criminal activity even before it is taking place. Just as in a law enforcement approach, this points out the importance of the guarantees of legal protection and the proportionality of the applied methods. Even more so because the effects of this approach on the problems that are aimed for are not at all clear.

In Antwerp the experiences with an administrative approach are limited to mainly problems of nuisance and disruption of public order. The city of Antwerp and the local police of the city do not speak of an 'administrative approach of organised crime', but keep it rather broad, by speaking of administrative enforcement that is aimed at prevention and creating a better image of certain economic sectors and phenomena. Just as in Genk (and other cities) they face limited judicial possibilities to react to suspicions of organised crime. The inconsistency between phenomena they identify and consider as 'organised crime', and the possibilities they have to exchange information and to enforce their laws (which is rather limited to nuisance and an investigation of good morals) makes some cities search for creative solutions to exchange information when organised crime

phenomena are suspected. These creative solutions entail a number of risks, such as the development of different proceedings in cities and municipalities, and the improper use of administrative instruments. This calls for a national framework, by means of legislation and infrastructure including a central organ where local administrations can ask for advice.

1.2.2 The introduction of the methods for an administrative approach in Genk

During the two-year project, the processes within the city administration have been primarily improved. The consultations that have been introduced are the ‘operational heart’ of the newly introduced method: these meetings take place once every six weeks, where the representatives of the different city departments (e.g. housing, economic, and fire department) and external partners (e.g. police and federal special investigation services) discuss cases, exchange information and prepare and follow up on actions in the field. This has developed into a structural cooperation.

It has turned out that *a single* method for an administrative approach is non-existent. The way of working depends to a large extent on the economic sector or crime phenomenon that is the focus of attention. After consultation with several actors (who either have an administrative or a criminal law function), it is decided how a specific case can be best handled. A drawback during the meetings is that the police and justice representatives are not allowed to hear about the cases the city proposes, as this would mean unlawful proactive detection according to the public prosecutor. For the police in particular, this is an impractical way of working, as the police representative participates in the actions that are prepared for the cases, and is responsible for the security of the other participants during these actions.

These actions ‘in the field’ entail the control of local enterprises and private housing with a team that is composed of the involved partners; the exact composition depends on the specific case (the actions are called ‘flexcontrols’ as the composition of the team and the subject of control is flexible). These flexcontrols have contributed to the process of sensitization of the city personnel about the presence of criminal phenomena in the city and their role as city administration in tackling these problems. The participants of the project have identified law-breaking situations that in some cases have led to criminal investigation. The procedure of the flexcontrols has developed and improved along the way: the composition of the group is more or less stabilized, has found a certain routine and has become a better team. One point of attention remains the consent that a manager of a local business or an inhabitant of a private building needs to give (orally/written) before a control, and whether or not this person is under too much pressure to cooperate because of the way the controls work. Moreover, the reputation of the person or business is at stake. For this reason, the city has paid more attention to nuanced communication to the general public about the controls.

1.2.3 State of affairs considering six points of interest

The five objectives that were formulated at the start of the project and that are related to the development of the methods for an administrative approach are evaluated in chapter 5. These are the operational objectives of the project, not of an administrative approach in general. For that reason, the four conditions for an administrative approach that were derived from the literature about the Dutch experiences were also part of the evaluation, namely: conscious-raising, cooperation, informative-exchange, and securing or standardising work processes. These turn out to be included to a large degree in the formulated objectives. Only the last condition, ‘standardisation of work processes’ was not included in the objectives of the project, and is therefore added as sixth point of interest in the list. The developments during the research period on these six points of interest are now discussed one by one.

1. *“Awareness-raising of the local impact of organised crime on (local) policy in the city”* (De Boye, 2013: 6) (condition 1)

In general, the participants were positive about the initiatives taken during the project. However, awareness-raising was first necessary among the participants, about the criminal phenomena occurring in the city and about the role the local administration can play in tackling and preventing these occurrences. The project has mainly led to increased awareness about some specific phenomena in the city and the role to play for administrative employees. As soon as a better picture was created about some of the phenomena, the participants were increasingly enthusiastic about the introduced methods.

The process of awareness-raising also needed to grow in Antwerp and in the Dutch municipalities over the course of years, and still differences are observed between Dutch municipalities in the responsibility they take in tackling or preventing organised crime. It is therefore an important message that support for an administrative approach cannot directly be expected in a local administration. With the years of experience in the Netherlands in mind, much has been established in the course of two years in Genk concerning awareness-raising. This however mainly occurred at the local level.

2. *“Making maximum use of the administrative possibilities to optimally and proactively fight manifestations or indications of (organised) crime”* (De Boye, 2013: 6)

The administrative possibilities are casebound, because enforcement is organised differently for different phenomena and economic sectors. Different legislation (e.g. economic legislation, housing legislation) can be applied, and this also defines which governmental organisations and local administrative departments need to be involved, and on what level (local or federal). By working from concrete case to case, the arsenal of possibilities of the local administration was mapped during the project. Although not all potential themes have been explored yet, it has already become clear that the administrative instruments are limited in their capacity to enforce the laws properly. Wherever possible, local regulations were adjusted or expanded during the project. Therefore, there have been mainly positive developments concerning the improved working processes of the city. Within the framework of the project, not all possibilities have been (fully) used yet, but this seems to be a matter of experience and time until a suitable case arises to respond to.

Whether or not the increased knowledge about and application of administrative enforcement methods indeed tackles ‘manifestations and indications’ of organised crime is not clear. First of all, it is difficult to evaluate this matter, as ‘organised crime’ and the problems the approach were targeting (apart from the discussion if this concerns organised crime) was not precisely defined. Second, the invisibility of organised crime activities, and the lack of a benchmark of organised crime *before* the methods were introduced, makes it hard to establish the effects of the introduced methods. It is even harder to establish if certain activities did *not* take place because of the administrative approach.

Considering the problems that were addressed during the research period, the participants have the impression that the introduced methods have at least a deterrence effect. Most of the entrepreneurs make an effort to work according to the law, after they have been warned and urged to do so by the city administration departments and the special investigation services. Some of them are also willing

to consult with the city administration and take a cooperative attitude. Those who are not working in accordance with the law out of ignorance were warned about their negligence. Citizens and managers who intentionally abuse the administrative systems are probably more alert now. This way it is indeed possible that more strict enforcement towards certain criminal phenomena and economic sectors discourages criminals from developing their activities in Genk, which can lead to displacement of these activities to other municipalities where criminals feel less disrupted. This is based on the impressions of the involved participants, but it was beyond the scope of this research to measure this.

The experiences in the Netherlands and Antwerp also point out that local administrations are not always well informed about the instruments that are at their disposal. It would help Belgian cities and municipalities if a central agency would list all enforcement possibilities for each theme or economic sector, in order to prevent each local administration needing to develop this expertise, as was done now in Genk. This effort would probably be too big to make for each individual administration, which might lead to missed opportunities. In the manual written by the city of Genk (2015) in the framework of the ISEC project lies a first step. However, a central coordination point that collects experiences of all cities and municipalities and can serve as an information centre for all local administrations is currently missing in Belgium. The system of the RIECs and the LIEC that was developed in the Netherlands could be a source of inspiration.

3. *“Based on practical experience, identification of the active partners and the sources that may contribute on an open, half-open or closed basis to the administrative approach to organised crime”* (De Boye, 2013: 6) and cooperation (condition 2)

An important merit of the project is that different organisations (within the city administration and outside) sit together to discuss cases based on the information that is available in their respective files. The cooperation between the different partners has increased and the participants more and more make a good team. It has become more clear along the way which information they can and cannot share, but this is currently also based on a personal assessment.

However, as the experiences in the Netherlands and Antwerp also make clear, cooperation cannot be considered a given. From all these experiences it is clear that it is very important to search for common priorities, that all partners see and keep seeing the benefit of cooperation and have the necessary capacity available. Only then will partners become and stay involved in the longer term and not only feel responsible out of their individual interests.

4. *“Setting up a hub of information and expertise at the service of the city and its administration, the public ministry, the police departments, the special investigation services, the tax departments, inspection bodies etc.”* (De Boye, 2013: 6) and information-exchange (condition 3)

A good information position is indispensable for the city administration to take decisions (about permits, grants etc.). To have this information available, the city administration needs to have access to sources. Legal grounds are essential for this access and for the exchange of this information between the relevant partners. Collecting information has been the main point of attention during the two-year ISEC project, and is still a learning process. Within the city administration information

was available that was not yet being used; new procedures for information handling and exchange have been set up and existing ones improved. The city employees have become more alert to possible crime phenomena and now have a contact person (the coordinator) to whom they can refer certain signals that they had been identifying even before the start of the project (e.g. the problems with transit houses). This way, an administrative approach leads to a better information flow in Genk. To be able to exchange information, an exploration was first needed to be better informed about which information is available from each internal department and external organisation, which information is useful for administrative enforcement, and which information can be shared and with whom. This required an expertise that was lacking in the city administration, but has subsequently been developed to a large extent. This was a significant challenge because of the diversity of legislation and the limited capacity of the executive committee.

Primarily judicial information is needed to be able to confirm suspected links of entrepreneurs, citizens or companies to organised crime. Therefore, the local administration is very dependent on information from the public prosecutor and the police. But it is precisely the sharing of this information of partners with a judicial task with the city administration that is very circumscribed by law. It is no surprise that the current information flow occurs mainly from the city administration to the other partners. There are options for the reverse direction that were not used significantly in advance of the project. Because of the focus of the project, these possibilities were first of all mapped, and the city has learned more about the application of these options from other cities, by sharing their experiences. Slowly, some of these 'routes' are being explored in Genk.

The methods in Genk are mainly based on the Dutch model. The ways of working in Antwerp are different to Genk in relation to the discussions in the local consultations and the flexcontrols. The cooperation in Antwerp mainly takes place between the city administration and the local police. The public prosecutor is less involved here. Nevertheless, the cooperation between the city and the public prosecutor has developed a bit more in Antwerp compared to Genk around some specific themes (e.g. human trafficking). Consultation between the local administration and the public prosecutor in searching for common priorities can also be a point of departure for an administrative approach that stimulates cooperation. A theme that is a point of interest at several governmental organisations and at several levels can be a good starting point for an 'integrated approach'. This became clear in Genk, for example with the theme of 1% motorcycle gangs that emerged as an area of common interest. Better cooperation with the public prosecutor can also benefit the application of existing judicial avenues of sharing criminal law information with the local administration (e.g. the possibilities created in article 134quinquies of the local government act, and 9bis of the Drug law).

5. *"Promoting the removal of technological, legal and organisational obstacles, this on the municipal, Flemish, federal and European level"* (De Boye, 2013: 6)

The most pressing obstacles that were confronted during the project cannot be solved on the municipal level. Several cities and municipalities face similar problems that mainly arise in the exchange of information of judicial partners with the city administrations. Thanks to the project the exact shortcomings of the existing administrative instruments have become more clear (such as the inability to use so-called 'soft information' of police or justice in administrative procedures). In partnership with other local administrations, solutions are sought for and limitations can be presented to higher governments. At the end of the research period, Genk and other city

administrations pleaded for enabling legislation that could bring more clarity in the short-term about the use of administrative instruments in the prevention of organised crime.

The BIBOB-law from the Netherlands can possibly be a source of inspiration to consider desirable long term changes in legislation to bring the information position of the local administrations in line with their responsibility for safety of their citizens. Currently, this seems to be a bridge too far. And as explained above, the BIBOB-law was only one element of a broader infrastructure that is necessary to make such a law applicable. Moreover, existing judicial avenues of information sharing are not used enough yet to know exactly how new legislation could complement this.

6. Standardization of work-processes in order to establish an administrative approach that is structurally embedded in the processes of the city administration (condition 4)

During the project, the administrative possibilities and boundaries were primarily explored. The work-processes that have been developed are not yet structurally embedded. This way, the working methods are currently very dependent on personal perceptions of the participants and agreements that have not been recorded. This makes the current methods susceptible for a loss of experience acquired during the project after changes of personnel. The realization of this condition is a point of attention that can be realized on the short term.

1.3 Recommendations

Based on these findings, a number of recommendations can be formulated for an administrative approach to organised crime, as it was introduced in Genk. In 2014, an interim report with the preliminary findings of this research was shared with the city administration to make it possible to anticipate the developments in Genk. In this interim report some suggestions were given in relation to the specific situation in Genk. For this reason, the emphasis in this final report is on those issues that at the end of the research period are still of current interest, or points of interest that can also be applied to other cities and municipalities.

1.3.1 Definition of organised crime and objectives of the approach

First of all, the term 'organised crime' needs to be properly defined. Subsequently, it needs to be decided in consultation with the different partners the exact subject of the administrative approach and if one will work on more subjects than only organised crime. When the latter is the case it should be considered if the term 'organised crime' should not be removed from the name of the method.

In the formulation of the objectives of the administrative approach in Genk, it is advisable to make a clearer distinction between the activities of the local administration that are aimed at safety and quality of life of its citizens, and activities that are aiming at tackling or preventing concrete phenomena of organised crime. Consideration of what exactly one wants to achieve concerning these subjects should also be nuanced: is it the creation of a better picture of organised crime phenomena? Is it to prevent facilitation of these phenomena? Is it mainly to enable a better information flow of indications of organised crime to the judicial partners? Or is it a combination of these aims? When there is internal agreement about the subject and the aims of the approach, this can also be communicated more clearly to the general public.

1.3.2 Structural cooperation

When demarcating the objectives of the approach, it is important to search for common priorities, so that all partners benefit from the cooperation. This increases the chance that sufficient capacity is made available at the different organisations and departments, or that it fits well in the already existing tasks. This way it will also be more likely that partners will be involved in a more structural manner, and do not only feel interested in their individual objectives. Participation of a representative from the special tax inspection department of the tax authorities would be of added value. They should therefore also be involved in the process of searching the common interests.

A next step in the cooperation would be, following the Dutch example, to set up agreements to enforce a less ad hoc way of working that is also less dependent on personal commitment. To embed the developed methods in a structural way of working it is not only important to define the specific subject and aim of the approach in agreement with all partners, but also to define the minimum criteria that cases should meet in order to be the subject of an administrative approach.

1.3.3 Information-exchange

Because it was (and in some cases still is) not clear to all participants in Genk which information can be useful for other partners, it is important to be attentive to this from the start. What can be exchanged between different departments and organisations should not be dependent on a geographic region or on an individual person. In particular, more clarity is needed concerning the sharing of judicial information with the local administration, by means of guidelines on the national level.

This point of attention is not only important concerning the information exchange between different organisations on the local level, but also between cities and municipalities, between different regions and even between countries (for the international information exchange, see Spapens, Peters & Van Daele, 2015). After all, the described phenomena (e.g. those that relate to human trafficking) are not limited to municipal or national borders.

Feedback from the public prosecutor, also in relation to information that *cannot* be shared, is important for the city administration to have more clarity about the results of their efforts and about the limitations of the current avenues for information sharing.

1.3.4 Infrastructure for knowledge and expertise

Because of the project, the city of Genk has mapped the administrative instruments and limitations concerning specific themes and economic sectors that can be of use to restrain criminal phenomena. At the same time, it has become clear that other cities and police zones also have experience with administrative enforcement methods that were explored in Genk. Other cities that do not have this experience show an interest in this way of working. Therefore, it is desirable to appoint a central coordination point that takes care of the collection of experiences and supplies expertise to other cities and municipalities.

In the longer term, infrastructure following the example of the Dutch RIEC system could guarantee the acquisition of expertise, the advising and supporting of local administrations to apply administrative instruments and the bringing together of information above the local level.

With such a central body, cities and municipalities could avoid searching separately search for solutions, or implementing practices of other, more experienced municipalities or cities that are not necessarily the best. This would also increase the uniformity of local policies concerning the

administrative approach. Based on local priorities there is still space for autonomy on the local level to decide about the desirable focus and the use of suggested methods.

1.3.5 Capacity

If a local administration wants to apply an administrative approach on organised crime, the available capacity of the participants needs to be in accordance with the contribution that is expected of them. In particular, when the initiative is taken by the local administration, as in Genk, it is first of all the local administration that needs to embed the essential job positions/tasks within the organisational structure. The formerly suggested infrastructure would limit the pressure on the city, if the expertise can come from outside of the local administration. The acquisition of the necessary judicial expertise in different legislations was a significant challenge during the project in Genk. It would be more efficient if an external organ could support this.

1.3.6 Procedure flexcontrols

In the city of Genk it is advisable to critically reconsider the procedure of asking permission of citizens or managers in advance of a flexcontrol. It should be clear for all participants in the process who has the authority when it comes to entering public and private spaces. The opinions about this do not only vary within the local administration of Genk, but also between cities.

Moreover, it should be more clearly communicated to a manager or citizen his or her rights and duties at the moment a flexteam arrives. Nuanced communication about the flexcontrols to the general public is a permanent point of attention to avoid unnecessary damage to the reputation of economic sectors, companies or individuals.

Controls in Antwerp are not, as they are in Genk, organised and coordinated by the city administration, but the local police, who also involve the other needed partners. Subsequently, the police inform the city administration about their findings during the controls by way of administrative reports. It would be useful to investigate which model is preferable, to enable well-founded advice for other cities and municipalities on the model best suited to local needs. In the end, the way of working is not completely different, as the same partners sit together for consult and consider the enforcement options. But it can make a difference if the city or the police coordinate it, because the latter has both a judicial and administrative task. The choices will also depend on the available capacity of both city administration and police.

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